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10/080,484	02/22/2002	John E. Lewis	00635	8507
38823	7590	09/28/2006	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ BELLSOUTH I.P. CORP 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			CHANG, JUNGWON	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 09/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/080,484	LEWIS, JOHN E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jungwon Chang	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 July 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2 and 4-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2 and 4-52 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## FINAL ACTION

1. This Action is in response to amendment filed on 7/10/2006. Claim 3 has been canceled. Claims 1, 2 and 4-52 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 2, 4-11 and 14-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumner et al. (2002/0061003), hereinafter Sumner, in view of Fox et al, (US 2004/0068665), hereinafter Fox, and Arnold et al. (US 6,965,918), hereinafter Arnold.

4. As to claim 1, Sumner discloses the invention substantially as claimed, including an apparatus for *sending* a subscriber of new email messages located at a post office (e-mail server; 450, fig. 4) (page 4, 0042, lines 13-16), comprising:

a wireless proxy email client (messaging gateway; 410, 420; fig. 4; 510, 520, fig. 5) in communication with a wireless network (wireless network, 130, figs. 1, 2) and a post office (e-mail server; 450, fig. 4) via an external network (Internet; 215, fig. 2) (page 4, 0041, lines 9-10), the wireless proxy email client utilizing information from a file

containing the subscriber's information (subscriber preference/profile; 455, fig. 4) to access the subscriber's email account at the post office at the external network (page 2, 0016-0017, "email address, email user's name"; page 5, claim 1; page 3, 0035; 0037-0038), the wireless proxy email client retrieving a portion of an email message from the subscriber's account to uniquely identify the email message (HTTP gateway 410d sends the request to the wireless messaging engine 420 which retrieves the messages from the e-mail server; page 4, 0042) and sending an email to the subscriber (wireless subscriber; 340, figs. 3, 5; 440, fig. 4) (deliver the messages to the subscriber; page 4, 0042, lines 14-16).

5. Sumner does not specifically disclose a notification to the subscriber for alerting the subscriber of the email message at the post office. Fox discloses sending a notification to a wireless device of the subscriber for alerting the subscriber of the email message at the post office (page 1, 0007, "push information delivery system"; page 4, 0033; page 6, 0076). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Sumner and Fox because Fox's notification would allow the wireless device to be informed an urgent incoming email without any delay (page 1, 0007, page 4, 0033; page 6, 0076).

Sumner does not specifically disclose enabling the device to retrieve the email message directly from the post office. Arnold discloses enabling the device to retrieve the email message directly from the post office (col. 3, lines 39-42, "the user has received

authorization to access a mailbox on the email server...the user may issue commands to the email server to retrieve messages"). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Sumner and Arnold because Arnold's authorization to directly access post office would save message retrieval time without going through intermediate device.

6. As to claims 2 and 4, Sumner discloses proxy email client captures the subscriber's user profile comprising the subscriber's password, subscriber login information, and post office information (subscriber profile; 455, fig. 4; profile information inherently contains login information, passwords, servers information associated with the login data; page 3, [0038]; login information; page 4, [0040]).
7. As to claim 5, Sumner discloses the proxy email client stores the captured user profile in the file (page 3, [0035], lines 8-14; [0037]-[0038]).
8. As to claim 6, Sumner discloses the wireless network includes a wireless proxy email server (520, fig. 5) in communication with the proxy email client (510, fig. 5) (page 5, [0051]).
9. As to claim 7, Sumner discloses the wireless proxy server (520, fig. 5) is in communication with a storage device (database; 325, fig. 5).

10. As to claims 8 and 9, Sumner discloses the portion of the email message retrieved from the post office is stored on the storage device (database; 325, figs. 3, 5; page 3, [0037]).

11. As to claims 10 and 11, Sumner discloses wherein the wireless network (130, figs. 1-5) and mobile devices (wireless subscriber unit A-C; 140, figs. 1-2; 340, figs. 3-4; 440, fig. 5) exchange short text message each other (page 1, [0009]; page 4, [0046]). However, Sumner does not specifically disclose SMS message center. Fox discloses SMS message center (102, fig. 2; page 2, 0018-0019, 0021). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sumner and Fox because Fox's SMS message center would permit the wireless device to transmit text messages to another wireless device.

12. As to claim 14, Sumner discloses the portion of the email message retrieved by the proxy email client is a header portion of the email message (email that inherently comprises a header portion, i.e., "To header", "From header", and a body portion; information source generates a message intended for a particular wireless device; page 2, [0029]).

13. As to claim 15, it is rejected for the same reasons set forth in claim 1. In addition, Sumner discloses the proxy email client (510, 520, fig. 5) sends a message via the external network (Internet; 215, fig. 5) to a paging network (wireless network; 130, fig. 5)

for the email message (wireless paging; page 1, [0007], [0009]).

14. As to claim 16, Sumner discloses the external network includes the Internet (215, fig. 2).

15. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sumner, Fox, Arnold, further in view of Skladman et al. (US 6,400,810), hereinafter Skladman.

16. As to claim 17, Sumner, Fox and Arnold do not specifically disclose checking the post office for new email messages at a predetermined periodic rate. Skladman discloses checking the post office for new email messages at a predetermined periodic rate (notification server can be configured to poll the e-mail server at predetermined intervals to check for new e-mail; col. 3, lines 40-42; col. 4, lines 53-56; col. 5, lines 17-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made combine the teachings Sumner, Fox, Arnold and Skladman because Skladman's checking new email at predetermined intervals would periodically notify the subscriber the new incoming email messages.

17. **Claims 18-28, 31-33, 35, 36, 40-42, 45 and 47-50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumner, Fox, Arnold, further in view of Garakani et al, (US 2002/0064137), hereinafter Garakani.

18. As to claims 18 and 35, they are rejected for the same reasons set forth in claim 1 above. Sumner does not specifically disclose wireless proxy email client retrieving new message to determine whether the subscriber has been notified of the new email message previously; alerting the subscriber of the new email message at the post office if the subscriber has not been notified previously about the new email message. Garakani discloses determining whether the subscriber has been notified of the message previously (determining whether the peer gateway has already notified it; page 4, 0053). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sumner, Fox, Arnold and Garakani because Garakani's determining notification would prevent the subscriber to receive unnecessary notification message twice.

19. As to claims 19 and 20, Sumner discloses proxy email client captures the subscriber's user profile comprising the subscriber's password, subscriber login information, and post office information (subscriber profile; 455, fig. 4; profile information that inherently contains login information, passwords, servers information associated with the login data; page 3, [0038]; login information; page 4, [0040]).

20. As to claim 21, Sumner discloses the proxy email client stores the captured user profile in the file (page 3, [0035], lines 8-14; [0037]-[0038]).

21. As to claim 22, Sumner discloses the wireless network includes a wireless proxy

email server (520, fig. 5) in communication with the proxy email client (510, fig. 5) (page 5, [0051]).

22. As to claim 23, Sumner discloses the wireless proxy server (520, fig. 5) is in communication with a storage device (database; 325, fig. 5).

23. As to claims 24 and 25, Sumner discloses the portion of the email message retrieved from the post office is stored on the storage device (database; 325, figs. 3, 5; page 3, [0037]).

24. As to claims 26-28, Sumner discloses wherein the wireless network (130, figs. 1-5) and mobile devices (wireless subscriber unit A-C; 140, figs. 1-2; 340, figs. 3-4; 440, fig. 5) exchange short text message each other (page 1, [0009]; page 4, [0046]).

However, Sumner does not specifically disclose SMS message center. Fox discloses SMS message center (102, fig. 2; page 2, 0018-0019, 0021). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sumner and Fox because Fox's SMS message center would permit the wireless device to transmit text messages to another wireless device.

25. As to claim 31, Sumner discloses the portion of the email message retrieved by the proxy email client is a header portion of the email message (email that inherently comprises a header portion, i.e., "To header", "From header", and a body portion;

information source generates a message intended for a particular wireless device; page 2, [0029]).

26. As to claim 32, it is rejected for the same reasons set forth in claim 1. In addition, Sumner discloses the proxy email client (510, 520, fig. 5) sends a message via the external network (Internet; 215, fig. 5) to a paging network (wireless network; 130, fig. 5) for the email message (wireless paging; page 1, [0007], [0009]).

27. As to claim 33, Sumner discloses the external network includes the Internet (215, fig. 2).

28. As to claim 36, Sumner further discloses sending a wireless email notification (wireless paging is through the use of STMP or e-mail; page 1, [0009]).

29. As to claims 40, 41 and 45, they are rejected for the same reasons set forth in claims 19 and 20 above.

30. As to claim 42, Sumner further discloses storing the captured information in a secure file (authentication; page 2, [0029]).

31. As to claims 47 and 50, Sumner discloses creating a record includes creating a record comprising a filed including a user identification (email address; page 1, [0009]).

32. As to claim 48, Sumner discloses creating the record including a creating a record comprising a filed including an ISP domain name (email address inherently includes a domain name, i.e., Jungwon.Chang@USPTO.gov, domain name of the address is “USPTO.gov”; email address; page 1, [0009]).

33. As to claim 49, it is rejected for the same reasons set forth in claim 31 above.

34. **Claims 34, 43, 44, 51 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumner, Fox, Arnold, Garakani, further in view of Skladman et al. (US 6,400,810), hereinafter Skladman.

35. As to claims 34, 43 and 44, Sumner, Fox, Arnold and Garakani do not specifically disclose checking the post office for new email messages at a predetermined periodic rate. Skladman discloses checking the post office for new email messages at a predetermined periodic rate (notification server can be configured to poll the e-mail server at predetermined intervals to check for new e-mail; col. 3, lines 40-42; col. 4, lines 53-56; col. 5, lines 17-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made combine the teachings Sumner, Fox, Arnold, Garakani and Skladman because Skladman's checking new email at predetermined intervals would periodically notify the subscriber the new incoming email messages.

36. As to claims 51 and 52, Sumner, Fox, Arnold, Garakani do not specifically disclose a field including a date on which an email message is received by the post office. However, Skladman discloses a field including a date on which an email message is received by the post office (fig. 5; col. 2, lines 56-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sumner, Fox, Arnold, Garakani and Skladman because Skladman's date on email message would improve the quality of email service by allowing the subscriber to aware of when the email was received.

37. **Claims 12 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumner, Fox, Arnold, further in view of Ng (US 6,640,301).

38. As to claims 12 and 13, Sumner, Fox, Arnold do not specifically disclose computing a checksum on the portion of the email message. However, Ng discloses computing a checksum on the portion of the email message (CKSUM, 34, figs. 5, 14; checksum generator; 40, fig. 12; col. 3, line 63 – col. 4, line 12; col. 4, lines 19-47; col. 7, lines 20-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sumner, Fox, Arnold and Ng because Ng's checksum would improve authentication of e-mail message by delivering the desired e-mail message only to intended recipient using the checksum.

39. **Claims 29, 30, 37-39 and 46** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sumner, Fox, Arnold, Garakani, further in view of Ng (US 6,640,301).

40. As to claims 29, 30, 37-39 and 46, Sumner, Fox, Arnold and Garakani do not specifically disclose computing a checksum on the portion of the email message. However, Ng discloses computing a checksum on the portion of the email message (CKSUM, 34, figs. 5, 14; checksum generator; 40, fig. 12; col. 3, line 63 – col. 4, line 12; col. 4, lines 19-47; col. 7, lines 20-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sumner, Fox, Arnold, Garakani and Ng because Ng's checksum would improve authentication of e-mail message by delivering the desired e-mail message only to intended recipient using the checksum.

### ***Conclusion***

41. Applicant's arguments filed on 7/10/06 have been fully considered but they are not persuasive.

42. Applicants asset on pages 11-17 of the remarks that each reference fails to disclose individually or in combination a system featuring a wireless device, a messaging server or post office, and a proxy client where the proxy client (and not a server) check for new messages on the messaging server (by retrieving a portion of a message that allows the proxy client to uniquely identify the messages and to determine whether the message is new) and sends a notification message to the wireless device

of a new message so that the wireless device can retrieve the new message directly from the message server (and not via a proxy server).

The examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., claims 1, 18 and 35 do not recite check for new messages, especially claim 1 does not recite any limitation "new message") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, contrary to applicant's argument that proxy email client is not a server, the specification of the present application on page 5, paragraph 18 (also see fig. 1), which recites in part:

In one embodiment, the system comprises a wireless network 12, which includes a wireless proxy email server 14 in communication with a proxy email client 16.

The figure 1 explicitly shows that the proxy email client is in server side. Sumner explicitly discloses a system featuring a wireless device (440, fig. 4, "wireless subscriber unit"), a post office (450, fig. 4, "e-mail server"; 455, fig. 4), and a proxy client (410f, 420, fig. 4) where the proxy client checks for messages on the messaging server (page 4,

0042, “the wireless messaging engine 420 which retrieves the message from the e-mail server 450), and the wireless device can retrieve the message directly from the messaging server (page 4, 0042, “the wireless subscriber may optionally access any of the servers through the wireless network **directly** without passing through the wireless messaging engine 420). The examiner relied on Fox only to teach sending a notification to a wireless device of the subscriber for alerting the subscriber of the email message at the post office (114, figs. 1-2, “Gateway”; 214, fig. 2, “Notification queue”; page 3, 0028, “proxy server 114”; page 6, 0074-0076).

43. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-

3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 21, 2006



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